



**US Army Corps
of Engineers**
St Paul District

Public Notice

ISSUED: 18 May 2012

EXPIRES: 18 June 2012

**PROPOSAL TO ISSUE RGP-002-MN FOR CERTAIN ACTIVITIES ON AGRICULTURAL LANDS INVOLVING
A DISCHARGE OF DREDGED OR FILL MATERIAL INTO WATERS OF THE UNITED STATES REGULATED
UNDER SECTION 404 OF THE CLEAN WATER ACT**

REFER TO: 2012-00291-BRC

1. PURPOSE AND BACKGROUND

The purpose of this notice is to request public comments on the St. Paul District's proposal to issue a regional general permit (RGP-002-MN) authorizing the discharge of dredged and fill material into waters of the United States for certain agricultural activities in Minnesota. RGP-02-MN is intended to streamline review of permit applications for these activities, establish consistency in permit decisions, and provide more certainty for landowners seeking Department of the Army permit authorization under Section 404 of the Clean Water Act.

Two categories of activities would be authorized by the proposed GP: (1) linear tile and culvert installation projects and (2) farmed wetland drainage projects.

The linear tile and culvert installation projects category is intended for use where a landowner proposes to replace a surface drainage feature with drainage tile. These surface drainage features include linear wetlands and ephemeral and intermittent streams subject to agricultural impacts. The total impacts to waters of the U.S., including wetlands, are limited to 2,000 linear feet for stream impacts or 10,000 square feet for wetland impacts. Permittee's must maintain the slope, bottom elevation, and alignment of the surface drainage feature; no additional drainage to wetlands or other waters is permitted under this category of the GP. This authorization category has several restrictions intended to prohibit its use in perennial streams and unaltered intermittent streams.

The farmed wetland drainage projects category is for installation or replacement of drainage tile in farmed wetlands. Total impacts are limited to 2 acres of farmed wetlands for a single and complete project. Activities that would affect wetlands that are not designated farmed wetlands by the Natural Resources Conservation Service, wetlands that are not subject to regular production of an agricultural commodity, or would result in the placement of drainage tile within the drainage setback of non-farmed wetlands are prohibited from using this category in the GP.

Both activities have adequate restrictions to limit use of the GP to certain resources. Additionally, the Corps retains its authority under 33 CFR 325.2(e)(2) to require an individual permit review of any activity eligible for authorization under RGP-002-MN.

2. REPLIES/COMMENTS

Interested parties are invited to submit to this office written facts, arguments, or objections within 30 days of the date of this notice. These statements should bear upon the suitability and adequacy of the proposal and should, if appropriate, suggest any changes believed to be desirable.

Replies may be addressed to Regulatory Branch, ATTN: Tim Smith, St. Paul District, Corps of Engineers, 180 Fifth Street East, Suite 700, Saint Paul, MN 55101-1678.

Or, if you have questions about this project, call Tim Smith in the St. Paul District office of the Corps, telephone number (651) 290-5432.

To receive Public Notices by e-mail, go to the St. Paul District web page at <http://www.mvp.usace.army.mil/regulatory/> and sign up by clicking on "Email Notification of Public Notices" on the left side of the website under "Notices".

3. FEDERALLY-LISTED THREATENED OR ENDANGERED WILDLIFE OR PLANTS OR THEIR CRITICAL HABITAT

This proposal is being coordinated with the U.S. Fish and Wildlife Service. Any comments it may have concerning Federally-listed threatened or endangered wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

4. JURISDICTION

The proposed general permit would authorize the discharge of dredged and fill material in waters of the U.S. under Section 404 of the CWA.

5. STATE SECTION 401 WATER QUALITY CERTIFICATION

Valid Section 404 permits cannot be issued for any activity unless state water quality certification is granted or waived pursuant to Section 401 of the CWA. The state Section 401 authority in Minnesota is the Minnesota Pollution Control Agency (MPCA). The MPCA has made a preliminary determination that it will issue 401 certification for RGP-002-MN without any additional conditions. The MPCA has indicated that this public notice serves as their public notice of the application for Section 401 water quality certification under Minnesota Rules Part 7001. Any comments relative to MPCA's preliminary decision to certify the RGP described in this public notice may be sent to: Minnesota Pollution Control Agency, Regional Environmental Management Division, Attention 401 Certification, 520 Lafayette Road, North St. Paul, Minnesota 55155-41946.

6. HISTORICAL/ARCHAEOLOGICAL

This public notice is being sent to the National Park Service, the State Archaeologist, and the State Historic Preservation Officer for comment. Implementation of this proposal would not affect the Corps' responsibility to insure that all Section 404 and Section 10 authorizations comply with Section 106 of the National Historic Preservation Act. Unknown archaeological, scientific, or historical data could be lost or destroyed by the work authorized by GP-001-MN. However, the general permit does

not authorize any work that would affect known resources, and projects are individually reviewed to minimize any potential for adverse impacts to resources.

7. PUBLIC HEARING REQUESTS

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, in detail, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

8. PUBLIC INTEREST REVIEW

The decision whether to reissue this permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. Environmental and other documents will be available for review in the St. Paul District Office.

FOR THE DISTRICT ENGINEER:



Tamara E. Cameron
Chief, Regulatory Branch

Enclosure

DEPARTMENT OF THE ARMY PERMIT

1. General Information:
 - a. Permittee: General Public
 - b. Permit No.: RGP-002-MN (Corps File No. MVP-2012-00291-BRC)
 - c. Issuance Date:
 - d. Expiration Date:
 - e. Authorities: Section 404 of the Clean Water Act (CWA) (33 U.S.C. 1344)
2. Project Location: RGP-002-MN is eligible for use in waters of the U.S. throughout the State of Minnesota.
3. Project Description: The general public in the State of Minnesota is hereby authorized to discharge dredged or fill material into waters of the United States, including wetlands, for the following activities on agricultural lands:
 - a. Tile and culvert installation on linear projects:
 - i. Discharges of dredged or fill material for the placement of drainage tile and culverts and associated infrastructure along the bottom of ephemeral and intermittent streams that impact no more than 2,000 linear feet of waters of the U.S. or
 - ii. Discharges of dredged or fill material for the placement of drainage tile and culverts and associated infrastructure in a linear wetland drainage through an agricultural field that impacts no more than 10,000 square feet of waters of the U.S.

Calculation of Impacts: The measurement of impact to waters of the U.S. will be determined by calculating the area of waters or linear footage of streams where dredged or fill material would be discharged, plus the impacts to waters of the U.S. that would be excavated, inundated, or drained as a result of the regulated discharge.

Restrictions: This general permit does not authorize the discharge of dredged or fill material into perennial streams, unaltered intermittent streams (see definition section for additional information regarding unaltered intermittent streams), or any stream where the origin of the stream channel extends beyond the upstream-most boundary of the proposed project.

Notification requirements: The applicant must notify the Corps in accordance with Standard Condition i of this GP (see Section 5a) if the project would impact more than 500 linear feet of stream or 400 square feet of wetlands.

- b. Farmed wetland drainage projects: Discharges of dredged or fill material for the installation of new drainage tile and associated infrastructure or improvement of existing drainage tile in farmed wetlands that impacts no more than 2 acres of waters of the U.S.

Calculation of Impacts: The measurement of impact to waters of the U.S. will be determined by calculating the area of waters where dredged or fill material would be discharged, plus the impacts to waters of the U.S. that would be excavated, inundated, or drained as a result of the regulated discharge.

Restrictions: This category of the general permit only authorizes the discharge of dredged or fill material into wetlands that are designated "Farmed Wetlands" (FW) by the Natural Resources Conservation Service or that are subject to production of an agricultural commodity at least 1 out of every 5 years (see definition of farmed

wetlands). Discharges of dredged or fill material into the setback of non-farmed wetlands is not authorized by this general permit..

Notification requirements: The applicant must notify the Corps in accordance with Standard Condition i of this GP (see Section 5a) if the project would impact more than 400 square feet of wetlands.

4. Activities Specifically Excluded from RGP-002-MN: In addition to the restrictions in paragraph 3, the following activities are not eligible for authorization using RGP-002-MN:
 - a. Discharges within the exterior boundaries of a federally recognized Indian Reservation;
 - b. Discharges that may impact federally threatened or endangered species or a species proposed for such designation or which is likely to destroy or adversely modify the critical habitat of such species;
 - c. Discharges in calcareous fens or in wetlands within 300 feet of a state designated calcareous fen;
5. Permit Conditions:
 - a. Standard Conditions: The activities authorized in Section 2 are subject to following standard conditions, unless otherwise noted.
 - i. Discretionary authority: As allowed under 33 CFR 325.2(e)(2), the Corps retains discretionary authority to require an individual permit review of any activity eligible for authorization under RGP-002-MN based on concern for the aquatic environment or for any other factor of the public interest.
 - ii. Pre-construction notification:
 - (1) Timing: Where required by the terms of RGP-002-MN, the prospective permittee must notify the Corps by submitting a pre-construction notification as early as possible. The Corps must determine if the PCN is complete within 30 calendar days of the date of receipt and, as a general rule, will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the Corps will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the Corps. The prospective permittee shall not begin the activity until either:
 - (a) He or she is notified in writing by the Corps that the activity may proceed under RGP-002-MN with any special conditions imposed by the Corps; or
 - (b) Forty-five calendar days have passed from the Corps' receipt of the complete PCN and the prospective permittee has not received written notice from the Corps verifying that the proposed activity is consistent with the terms and conditions of RGP-002-MN.
 - (2) Contents of the PCN: If a drainage system worksheet was completed for the U.S. Department of Agriculture, that information will suffice. Otherwise, please submit the information requested below.
 - (a) Name, address and telephone numbers of the prospective permittee .
 - (b) Location of the proposed project.
 - (c) Description of the proposed project .
 - (d) Sketch or drawing of the proposed project showing all tile lines, connections, surface inlets, outlets, etc.

- (e) The PCN must include a wetland delineation or determination for the properties or farm tracts identified in the project.
 - (f) If the proposed activity will result in the loss of wetlands, the prospective permittee must submit a statement describing how the losses will be offset through compensatory mitigation (see the following section on compensatory mitigation).
- (3) Compensatory Mitigation. In general, compensatory mitigation will be required for projects that impact more than 2,000 square feet of wetlands. If compensatory mitigation is required, the prospective permittee must submit a mitigation proposal with the PCN. Compensatory mitigation shall be designed to replace the functions lost as result of the project. Applicants may also propose compensatory mitigation for projects with smaller impacts; however, the Corps may not require it as a condition of the general permit authorization. Use of Corps-approved mitigation banks and in-lieu fee programs are the preferred methods for providing compensatory mitigation if the mitigation site meets the sequencing requirements of the Federal mitigation rule (33 CFR 332). Prospective permittees who wish to pursue project-specific mitigation must submit a mitigation plan prepared in accordance with 33 CFR 332, and the *St. Paul District Policy for Wetland Compensatory Mitigation in Minnesota* (<http://www.mvp.usace.army.mil/regulatory/default.asp?pageid=924&subpageid=387>). Compensatory mitigation required by other Federal or state programs may, but will not necessarily, satisfy the compensatory mitigation requirement under the Clean Water Act.

The Corps must approve any compensatory mitigation proposal before the permittee commences work. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the Corps will expeditiously review the proposed compensatory mitigation plan. The Corps must review the plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure no more than minimal adverse effects on the aquatic environment.

- (4) Decision: In reviewing the PCN for the proposed activity, the Corps will determine whether the activity authorized by RGP-002-MN will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. The Corps will consider any proposed compensatory mitigation the applicant has included in the proposal in determining whether the net adverse environmental effects to the aquatic environment of the proposed work are minimal. If the Corps determines that the activity complies with the terms and conditions of RGP-002-MN and that the adverse effects on the aquatic environment are minimal, after considering mitigation, the Corps will notify the permittee and include any conditions the Corps deems necessary. If the net adverse effects of the project on the aquatic environment (after consideration of the compensatory mitigation proposal) are determined by the Corps to be minimal, the Corps will provide a timely written response to the applicant. When compensatory mitigation is required, the verification letter will include a condition requiring that the mitigation be provided by a specific date. No discharges of dredged or fill material shall occur in waters of the United States until the Corps has approved the mitigation plan.

If the Corps determines that the adverse effects of the proposed work are more than minimal, then the Corps will notify the applicant either: (1) That the project does not qualify for authorization under RGP-002-MN and instruct the applicant on the procedures to seek authorization under an individual permit; (2) that the project is authorized under RGP-002-MN subject to the applicant's submission of a mitigation plan that would reduce the adverse effects on the aquatic environment to the minimal level; or (3) that the project is authorized under RGP-002-MN with specific modifications or conditions.

- iii. Normal and flood flows (Activity 3.a. only): Drainage tile must be sized to handle normal and anticipated high flows.

- iv. Maintain slope and alignment (Activity 3.a. only): Drainage tile must be set at the same elevation and slope as the bed of the existing stream or linear wetland. The outlet elevation may not be lower than the existing outlet elevation.
- v. Maintenance of upstream and downstream hydrologic connection (Activity 3.a. only): As part of any work authorized under this general permit drainage tile must maintain the pre-project drainage flows through the project area. Tile inlets and outlets shall be located at the point where surface drainage features previously entered or exited the project area. No diversion or rerouting of surface water flows to other drainage systems (ditches, swales, tributaries, or new or existing tile lines) is authorized. Linear tile projects that intersect other wetlands must day light at the wetland crossing to, at a minimum, maintain existing surface flows to the wetland. This general permit does not authorize the placement of dredged or fill material in wetlands other than those specifically requested in the permit application and included in the verification letter. If additional discharges are required to protect tile inlets and outlets required by this standard condition, then specific authorization should be requested in the PCN. Drainage tile must outlet at the point where surface water would normally enter the wetland and the tile outlet must be placed at the same elevation. The tile may not continue through the wetland. Drainage tile may be re-established at the point where surface flows exit the wetland provided the inlet is set at the ground surface elevation of the wetland.
- vi. Inlet and outlet protection: Drainage tile outlets must be protected to limit erosion to the receiving water. This protection may include rock riprap, natural vegetation, or other acceptable measures.
- vii. Soil erosion and sediment controls: Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction.
- viii. Use of multiple general permits: A single producer may request multiple authorizations under RGP-002-MN if the proposed activities have independent utility and are not located within the same project area. An activity is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. For purposes of this general permit, the project area is defined to be the portion of the drainage area where the aquatic resources are located that is under the control of the prospective permittee. The maximum loss of waters from a single producer in the project area is limited to the thresholds established for the activities described in Parts A and B of the GP. Applications with impacts to waters of the United States that exceed the thresholds in the general permit can be evaluated under the Corps' individual permit application review procedures.
- ix. Proper maintenance: Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety.
- x. Historic properties, cultural resources:
 - (1) No activity which may affect historic properties listed or potentially eligible for listing, on the National Register of Historic Places is authorized, until the District Engineer has complied with the requirements of Section 106 of the National Historic Preservation Act (NHPA). Federal project proponents should follow their own procedures for complying with the requirements of Section 106, and provide documentation of compliance with those requirements. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places.
 - (2) If cultural resources, such as historic structures or buildings, or archaeological remains are identified in the project area, or are discovered during activities authorized by this permit, you must immediately stop work and notify the District Engineer of what you have found. We will initiate the Federal and state coordination required to satisfy our responsibilities under Section 106 of the NHPA.
 - (3) Rock or fill material used for activities authorized by this permit must either be obtained from existing quarries or, if a new borrow site is opened up to obtain fill material, the Corps must be notified prior to the use of the new site to determine whether a cultural resources survey of the site is necessary.

xi. Endangered species:

- (1) No activity is authorized which is likely to adversely affect a threatened or endangered species as identified under the Federal Endangered Species Act (ESA), or which is likely adversely affect critical habitat of such species.
- (2) No activity is authorized which may affect a listed species or critical habitat unless consultation under the ESA addressing the effects of the proposed activity has been completed. Non-federal permittees shall notify the District Engineer if any listed species or critical habitat might be affected or is in the vicinity of the project, and shall not begin work on the activity until notified by the District Engineer that the requirements of the ESA have been satisfied and that the activity is authorized. Federal project proponents should follow their own procedures for complying with the requirements of the ESA and provide documentation of compliance with those requirements.
- (3) No activity is authorized which is likely to jeopardize a proposed species or which is likely to adversely modify proposed critical habitat.
- (4) Authorization of an activity under RGP-003-MN does not authorize the take of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with incidental take provisions, etc.) from the U.S. Fish and Wildlife Service (USFWS), both lethal and non-lethal takes of protected species are in violation of the ESA. General information on the location of threatened and endangered species and their critical habitat is provided in Attachment A and Enclosures 3-7. Information can also be obtained directly from the offices of the USFWS Twin Cities Field office (TCFO) at 612-725-3548.
- (5) If it becomes apparent that a federally listed endangered plant or animal species will be affected by work authorized by this permit, work must be stopped immediately and the St. Paul District Corps of Engineers must be contacted for further instruction.

xii. Bald and Golden Eagle Protection Act and Migratory Bird Treaty Act: Notification to the Corps is required for projects within 0.5 miles (2640 feet) of an eagle nest. There are approximately 1300 bald eagle nests distributed among 64 of Minnesota's 87 counties. In Minnesota, bald eagles typically nest in old, large diameter trees within approximately 500 feet of a water body. It is recommended that the project proponent also contact the USFWS TCFO (612-725-3548) if the proposed project will disturb a bald eagle or a bald eagle nest. Projects involving the placement of potentially lethal infrastructure (communication towers, wind turbines, transmission lines, etc) within two miles of a bald eagle nest may warrant additional review.

For more information concerning the Bald and Golden Eagle Protection Act or the Migratory Bird Treaty Act refer to the following websites:

<http://www.fws.gov/migratorybirds/mbpermits.html>

<http://www.fws.gov/midwest/eagle/protect/index.html>

<http://www.fws.gov/midwest/eagle/guidelines/disturbnestingbaea1.html>

xiii. Inspection: You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of RGP-002-MN.

b. Special Conditions: Special Conditions may be added on a case-by-case basis to ensure that the proposed work is not contrary to the public interest and will result in no more than minimal individual or cumulative adverse environmental effects.

6. Expiration Date: Unless otherwise specified in the District's letter confirming your project complies with the requirements of this RGP, the time limit for completing work authorized by RGP-002-MN ends upon the expiration date of this RGP-002-MN. Activities authorized under the RGP-002-MN that have commenced construction or are under contract to commence construction, will remain authorized provided the activity is completed within 12 months of the date of the RGP-002-MN expiration, suspension, or revocation; whichever is sooner. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least three months before the expiration date is reached.
7. Further Information:
 - a. Congressional authorities: You have been authorized to undertake the activity described above pursuant to:
 - () Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403);
 - (x) Section 404 of the Clean Water Act (33 U.S.C. 1344); or
 - () Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
 - b. Limits of this authorization:
 - i. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law;
 - ii. This permit does not grant any property rights or exclusive privileges;
 - iii. This permit does not authorize any injury to the property or rights of others; and
 - iv. This permit does not authorize interference with any existing or proposed Federal project.
 - c. Limits of federal liability: In issuing this permit, the Federal Government does not assume any liability for the following:
 - i. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes;
 - ii. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest;
 - iii. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit; or
 - iv. Design or construction deficiencies associated with the permitted work.
 - v. Damage claims associated with any future modification, suspension, or revocation of this permit.
 - d. Reliance on applicant's data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
 - e. Reevaluation of permit decision: This office may reevaluate its decision for an individual authorization under this general permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
 - i. You fail to comply with the terms and conditions of this permit;

- ii. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above); or
- iii. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

- f. This Office may also reevaluate its decision to issue RGP-002-MN at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following: significant new information surfaces which this office did not consider in reaching the original public interest decision. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7.

8. Definitions:

- a. Agricultural land: Agricultural land is land(s) used and managed for the production of food and fiber and includes cropland, hay land, rangeland, pasture land and lands used for horticultural crops.
- b. Calcareous fen: A calcareous fen is a rare type of wetland that receives groundwater rich in calcium. These wetlands support a number of rare plants only found in calcareous fens. More information on calcareous fens and a list of state designated calcareous fens can be found at:
http://www.dnr.state.mn.us/snapshots/ecosystems/bogs_fens.html
- c. Drainage tile: A drainage tile is a subsurface conduit meant remove excess soil moisture for increased crop production. Drainage tile includes perforated tile and non-perforated tile and its associated infrastructure such as surface inlets, outlets, inlet/outlet protection, and connections.
- d. Ephemeral stream: An ephemeral stream has flowing water only during, and for a short duration after, precipitation events in a typical year. Ephemeral stream beds are located above the water table year-round. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow. Ephemeral streams are generally not shown on U.S. Geological Survey topographic maps.
- e. Farmed wetland: A farmed wetland is an area that was manipulated and planted before December 23, 1985, but still meets wetland criteria. Under most circumstances a wetland determination from the Natural Resources Conservation Service identifying an area as a farmed wetland is acceptable for purposes of this GP.
- f. Farmed wetland pasture: A farmed wetland pasture is an area that was manipulated and used for pasture or hay as of December 23, 1985, but still meets wetland criteria. Under most circumstances a wetland determination from the Natural Resources Conservation Service identifying an area as farmed wetland pasture is acceptable for purposes of this GP.
- g. Intermittent stream: An intermittent stream has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow. An intermittent stream is shown on U.S. Geological Survey topographic maps as a dashed blue line.

- h. Linear wetland drainage: A linear wetland is an area that meets the wetland criteria in the 1987 Corps Delineation Manual but lacks an ordinary high water mark. They are functionally similar to drainage ditches but do not normally have the volume or frequency of flow to remove vegetation from the channel or develop an ordinary high water mark.
- i. Ordinary high water mark: The term ordinary high water mark means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.
- j. Perennial stream: A perennial stream has flowing water year-round during a typical year. The water table is located above the stream bed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow. A perennial stream is shown on U.S. Geological Survey topographic maps as a solid blue line.
- k. Setback: Setback distance or lateral drainage effect refers to the distance to one side of a drain (drainage ditch or tile) where soil gravitational water is drawn down to 1 foot below the ground surface within 14 days time.
- l. Unaltered intermittent streams: Intermittent streams that have not been subject to straightening, channelization, or other human related disturbances. Intermittent streams that retain a natural pattern, profile, and dimension are considered to be unaltered. For purposes of this general permit, the final decision on whether an intermittent stream is altered or unaltered is made by the Corps of Engineers.
- m. Wetland impact: The term wetland impact means filling, draining, grading, conversion, or clearing of wetlands.